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Paper No. 6

Owest Communications International, Inc. Law Department Intellectual Property Group 180 California Street, Suite 3800 Denver, Colorado 8020

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OFFICE OF PETITIONS A/C PATENTS

In re Application of

Hansen, Quintanar, and Morrison

AND Application No. 09/660,785

Filed: September 13, 2000

Attorney Docket No. 1692

For: METHOD AND SYSTEM FOR

ONLINE MANAGEMENT

NOTICE OF ABANDONMENT

LETTER

A petition under 37 CFR 1.47(a) was received in the United States Patent and Trademark Office (Office) on April 27, 2001.

The petition was filed in response to a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice"), mailed October 27, 2000, which indicated that a signed oath or declaration was missing and also that a surcharge of \$130.00 was due, consequently. The Notice set forth a period for reply of two months. On April 27, 2001, in response to the Notice, petitioner filed the petition along with a declaration of relevant facts and a "Declaration for Patent Application." Petitioner also remitted the \$130.00 surcharge.

Petitioner is advised, however, that an extension of time within the fourth month is necessary in order for the petition to be considered a timely response to the Notice. The Notice allowed two months to file a reply, but advised that extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). It is noted that petitioner authorized the Office to charge any fees associated with obtaining an extension of the time set for reply to deposit account 21-0456. On July 5, 2001, the Office attempted to charge deposit account 21-0456 \$1,390.00, which is the fee associated with an extension of time within the fourth month. See 37 CFR 1.17(a)(4). The Office was unable to secure the required amount, however, because the balance in deposit account 21-0456 was \$353.50 at the time the Office attempted the transaction. Consequently, petitioner did not obtain the extension of time within the fourth month necessary to make the petition filed April 27, 2001, timely. The application is, therefore, abandoned as of December 28, 2000.

Under the circumstances of this application, petitioner must file a petition to revive under 37 CFR 1.137 and pay the proper petition fees within ONE (1) month of this decision before the petition under 37 CFR 1.47 may be addressed on its merits. No extensions of time are

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permissible. A petition under 37 CFR 1.137(b) is suggested unless petitioner can demonstrate that petitioner was "unavoidably" prevented from filing a timely response to the Notice of April 27, 2001. The petition under 37 CFR 1.47 will remain in the file until such time as petitioner has filed a grantable petition to revive under 37 CFR 1.137.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Commissioner for Patents

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Washington, DC 20231

By FAX:

(703) 308-6916

Attn: Office of Petitions

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Office of Petitions

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Telephone inquiries should be directed to Kenya McLaughlin, Petitions Attorney, at (703) 305-0010.

Beverly M. Flanagan

Supervisory Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy